IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 443 of 1991

Date of Decision :- March 16, 2007

Ajaib Singh and others ....PETITIONERS

VERSUS

State of Punjab ....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL

Present:- Mr. Neeraj Khanna, Advocate
for the petitioners.

Ms. Reeta Kohli, DAG Punjab.

MEHTAB S.GILL, J.

This is a revision against the judgment dated 4.7.1991 of the learned Additional Sessions Judge, Ropar, whereby he dismissed the appeal against the judgment dated 20.3.1990 of the Judicial Magistrate 1st Class, Ropar, convicting Ajaib Singh son of Bachan Singh, Bahadur Singh son of Ajaib Singh and Jaswant Singh son of Dharam Singh under Section 51 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the Act) for violating the provisions of Sections 9(1), 39 and 49 of the Act.

The case of the prosecution is that on 24.4.1988 at 7.00 a.m., Madan Singh along with Sukhdev Singh Wild Life Guards were on patrol

duty in the jungle of Mirzapur, thus received information that the petitioners/accused were hunting Sambhar (deer) with a gun. At about 8.00 a.m. both the guards reached the house of Ajaib Singh petitioner and all the three petitioners were seen cutting flesh of a Sambhar into pieces. A written complaint Ex.PB was filed before the J.M.I.C., Ropar, who took cognizance of the complaint.

The prosecution to prove its case brought into the witness box Sukhdev Singh as PW1, Madan Singh as PW2 and Balwinder Singh Inspector PW3.

Learned counsel for the petitioners/accused has argued, that no independent witness was joined. Complaint Ex.PB should have been filed by the Chief Wild Life Warden and not by Balwinder Singh PW3, who was designated as Inspector.

Learned counsel for the State has argued, that the testimony of Sukhdev Singh PW1, Madan Singh PW2, and Balwinder Singh PW3 corroborated each other inter-se and also give corroboration to complaint Ex.PB. Nothing has come on record to show that the official witnesses have any ill will or enmity towards the petitioners/accused.

I have heard the learned counsel for the parties, perused the record and the impugned judgments with their assistance.

Document Ex.PC is a notification of the State Govt., in which Sambhar (deer) has been declared as an animal in Schedule I of the Act. A Sambhar cannot be hunted, nor killed by anyone, as it is a protected animal. The testimony of Sukhdev Singh PW1, Madan Singh PW2 and Inspector Balwinder Singh PW3 is cogent and inspiring. They have

corroborated each other inter-se and also give corroboration to the complaint Ex.PB. Learned counsel for the State has rightly argued, that the official witnesses have no ill will or enmity to falsely implicate the petitioners/accused. As per Section 55 of the Act, complaint could be filed by the Chief Wild Life Warden or any other officer of the State Government. Balwinder Singh Inspector PW3, when he appeared as a witness, nothing was put to him directly or indirectly in the way of a suggestion that he did not have any legal authority to file the complaint.

I do not find any infirmity in the judgment of the learned Additional Sessions Judge, Ropar.

Dismissed.

March 16, 2007 **(MEHTAB S.GILL)**
ska **JUDGE**

WHETHER TO BE REFERRED TO REPORTER? YES/NO